



**COMMUNITY DEVELOPMENT DEPARTMENT**  
**17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236**  
**Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)**

**PLANNING COMMISSION MEETING MINUTES**

**REGULAR MEETING**

**JUNE 27, 2006**

**PRESENT:** Acevedo, Koepp-Baker, Benich, Davenport, Escobar, Mueller

**ABSENT:** Lyle

**LATE:** None

**STAFF:** Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, Senior Planner (SP) Marlatt, Business Assistance and Housing Services Director (BAHSD) Toy, Senior Civil Engineer (SCE) Creer, Contract Planner (CP) Bischoff and Minutes Clerk Balagso.

Chair Benich called the meeting to order at 7:03 p.m.

**DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Balagso certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

**OPPORTUNITY FOR PUBLIC COMMENT**

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

**PUBLIC  
HEARING:**

- 1) ZA-06-10: CITY OF M.H.-TEXT AMENDMENT TO CHAPTER 18.47, AFFORDABLE HOUSING BONUSES AND OTHER INCENTIVES, AND CHAPTER 18.55, SECONDARY DWELLING UNITS**
- An amendment to Title 18, Chapter 18.47 of the Morgan Hill Municipal Code, amending the Density Bonus provisions for affordable housing to be consistent with the State Density Bonus Law as set forth in Section 65915 of the California Government Code. A further amendment is also proposed under Chapter 18.55 of the Municipal Code, eliminating the Conditional Use Permit requirement and eliminating the local street standards for secondary dwelling units.
- PM Rowe stated that the item was advertised for public hearing for this meeting, however the report was not ready at the time of distribution of the meeting packet. He added that the amendments are related to the Housing Element, which will be on the July 11 meeting agenda.

**FEES, ESCOBAR; ABSTAIN; NONE; ABSENT: LYLE.**

**COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING ADOPTION OF AN ADDENDUM OF THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT (EIR). COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTES: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, MUELLER; NOES: ESCOBAR; ABSTAIN; NONE; ABSENT: LYLE.**

**4) PUBLIC HEARING REGARDING ADOPTION OF HOUSING ELEMENT UPDATE**

This is a City-initiated request to adopt a new Housing Element of the General Plan. The proposed Element represents a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet the needs of all income levels. The Element has been prepared in such a way as to meet the requirements of State law and local housing objectives. A Negative Declaration, finding no significant negative effects on the environment as a result of adoption of the Element, is proposed to be adopted for this project.

CP Bischoff presented the staff report, noting that this is a City-initiated request to adopt an update to the Housing Element of the General Plan. The proposed Element represents a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet the needs of all income levels. The Element has been prepared in such a way as to meet the requirements of State law and local housing objectives. A Negative Declaration, finding no significant negative effects on the environment as a result of adoption of the Element, is proposed to be adopted for this project.

CP Bischoff indicated that the changes to the Element are two-fold: 1) changes in response to the State's comments in 2002; and 2) changes necessitated because of changes in the State housing law since the original Element was drafted.

Chair Benich noted that there is no action requested from the Commission this evening. The presentation was primarily to solicit comments and questions from the Commission and the public.

Commissioner Koepp-Baker asked about the tenor of communication from the State, and if the State commented on the City's density rates. CP Bischoff responded that Morgan Hill meets a policy recently adopted by the State that requires that a sufficient amount of land be zoned at 20 units per acre to accommodate affordable housing. The State has also asked for detailed information on the Measure C projects.

CP Bischoff added there are two areas that might be of concern to the State:

- 1) Amendment of the code to specifically identify transitional housing and homeless shelters as conditional uses in zoning districts
- 2) Housing for farm workers

Commissioner Acevedo stated he understands that the purpose of the Element is to address the housing needs of all income levels. The City is spending a significant amount of time on affordable housing. He asked if the State requires this focus on affordable housing. PC Bischoff responded that the market has provided a sufficient supply of housing affordable to persons with above moderate income levels. He presented Table



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27 in the staff report which outlines the State's requirements for very low, low and moderate level housing; noting the State had challenged the City to provide additional affordable housing for the period of 1999-2006. Therefore, the City's efforts have been concentrated in this area. The City has accomplished providing a surplus of affordable housing units. Commissioner Acevedo asked if the City actually had to build the units or just have the ability to build them. CP Bischoff responded that the State requires the City to have the ability to build the units.

Chair Benich asked if the requirement for affordable housing will cease in 20 years or so, because all the available land will be developed. CP Bischoff stated the requirements are based on analysis by ABAG which is focused on the availability of land. He added that if the land now available is built out in 20 years, ABAG will look at land that could be available for redevelopment.

Chair Benich then asked a question on the consistency of the data presented. For example, census data referred to in the Element is from 2002. CP Bischoff responded that the City should have an adopted and certified Element with data currently available. The Element will be updated again in two years as required.

Chair Benich suggested the Commission begin thinking about water conservation as called for on Page 14 of the Element for future development; especially the use of gray water. Commissioner Koepp-Baker added that the League of California Cities is recommending to that all developers build a dual pipe system to facilitate use of recycled water.

Commissioner Mueller asked if the State would give credit to the City's moderate rate non-deed restricted housing. CP Bischoff responded he would research that issue.

Commissioner Koepp-Baker asked BD Director Toy if there is a report on the goals and outcomes of funding provided to Community Solutions for rehabilitation of the transitional shelter for mentally disabled individuals and domestic violence shelter. BAHSD Toy responded that information is available in quarterly reports that he will provide to Commissioner Koepp-Baker.

Chair Benich opened and closed the public hearing, seeing there was no one in the audience indicating a wish to address this item.

**COMMISSIONER MUELLER OFFERED A MOTION TO CONTINUE THE ITEM TO THE JULY 11, 2006 COMMISSION MEETING. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTES: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, MUELLER; NOES: NONE; ABSTAIN; NONE; ABSENT: LYLE.**

**5) SUMMER  
MEETING  
SCHEDULE**

A request to discuss the possible cancellation of the second Planning Commission Meeting in August.

**COMMISSIONER MUELLER OFFERED A MOTION TO CANCEL THE SECOND PLANNING COMMISSION MEETING SCHEDULED FOR AUGUST 22, 2006. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION,**



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JULY 11, 2006

PRESENT: Acevedo, Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Business and Assistant and Housing Services Director (BAHSD) Toy, Planning Manager (PM) Rowe, Contract Planner (CP) Bischoff, and Minutes Clerk Johnson.

Chair Benich called the meeting to order at 7:01 p.m.

#### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

#### MINUTES:

JUNE 13, 2006

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE JUNE 13, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 2, paragraph 9, line 9: .....coverage hole

Page 11, paragraph 5: *over-all the project requires one (1) less unit than allocated and that therefore one (1) unit could be reassigned to some other project.*

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, LYLE, MUELLER; NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE.



**PLANNING COMMISSION MEETING MINUTES**

**JULY 11, 2006**

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**PUBLIC HEARING:**

**1) PUBLIC HEARING** This is a City-initiated request to adopt a new Housing Element of the General Plan.  
**REGARDING** The proposed Element represents a comprehensive statement of the City's current and  
**ADOPTION OF** future housing needs and proposed actions to facilitate the provision of housing to meet  
**HOUSING** the needs of all income levels. The Element has been prepared in such a way as to meet  
**ELEMENT UPDATE** the requirements of State law and local housing objectives. A Negative Declaration,  
finding no significant negative effects on the environment as a result of adoption of the  
Element, is proposed to be adopted for this project.

CP Bischoff presented the staff report, indicating that the public hearing on this item had been continued from the Commission's June 27 meeting. He advised the Commission that additional draft changes were proposed and that those changes are shown on a handout provided to each Commissioner that evening. CP Bischoff recommended approval of the Housing Element with the additional changes provided. He indicated that the approval resolution authorized staff to make additional changes to Appendix B of the Element, the Housing Needs Assessment, without further Commission review.

Responding to a question from Commissioner Koepp-Baker regarding housing for persons with disabilities, BAHSD Toy indicated that the City, through its Redevelopment Agency, had provided funds to Community Solutions to remodel and upgrade its domestic violence shelter. He further explained that the Agency has also provided funding to the Emergency Housing Consortium for its shelter in San Martin.

Commissioner Escobar, addressing the issue of providing 'reasonable accommodation' to persons with disabilities, indicated that it is his experience that the accommodation needs to be 'effective' as well as 'reasonable'.

Considerable discussion ensued regarding the State's request that the City add an Action to the Element that would commit the City to placing before the voters an amendment to Measure C should the City be unable to provide its ABAG-assigned 'fair share' housing allocation. CP Bischoff indicated that no impediments exist that would preclude the City from meeting its 'fair share' for the current Housing Element planning period.

Chair Benich opened the public hearing. With no persons present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle said that the Element should be modified to clarify where secondary dwelling units are allowed. He also recommended that an Action be added that would have the City address the current density and height limitations in the CC-R district.

Commissioner Mueller recommended that the Housing Element only be amended to address issues raised by the State. He expressed concern that additional changes by the City might cause the State to require additional changes, as well. Others shared the concern while arguing the importance of evaluation of all potential issues.

CDD Molloy Previsich advised that in her experience of working with Housing



PLANNING COMMISSION MEETING MINUTES

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Elements, it is beneficial to give specific examples of the programs currently in place and being proposed in the document. She agreed that the suggestion Commissioner Lyle made of inclusion of those in-place programs could be presented in a 'better light'.

Considerable discussion ensued regarding the State's request that the City add an Action to the Element that would commit the City to placing before the voters an amendment to Measure C should the City be unable to provide its ABAG-assigned 'fair share' housing allocation. Several comments and suggestions were made regarding the specific language of that Action, including; discrepancies in prior year numbers for 'fair share' housing needs; vote in 2004 which reflects intent to meet needs; concern of State asking for commitment to future; and staff's belief that the State would have a difficult time requiring modification for current planning period.

Turning to another matter, Commissioner Lyle suggested a section of the Housing Needs Assessment (page B2 of the summary, 1<sup>st</sup> paragraph) be amended, as it cause ABAG to increase the City's 'fair share' in the next Housing Element update. He pointed out other statements dealing with employment availability which could be cause for concern, as well. This elicited extensive discussion, with concerns being raised as to changing a document which had been thoroughly reviewed by the State. Ultimately, the Commissioners agreed that changes to the document, except for those referenced by CP Bischoff, should not be made.

The Commissioners discussed with staff the possibility of adjustment of the population baseline numbers in the next Housing Element update.

**COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO RECOMMEND APPROVAL OF THE NEGATIVE DECLARATION TO THE CITY COUNCIL. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

**COMMISSIONER MUELLER MOVED FOR APPROVAL OF THE RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE UPDATE OF THE HOUSING ELEMENT OF THE GENERAL PLAN, APPLICATION GPA-01-09, INCLUDING THE CHANGES DISTRIBUTED AT THE MEETING AND A CHANGE TO THE ACTION REGARDING THE ABAG 'FAIR SHARE' HOUSING ALLOCATION. NOTING THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, COMMISSIONER ESCOBAR PROVIDED THE SECOND. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**2) ZA-06-10:** An amendment to Title 18, Chapter 18.47 of the Morgan Hill Municipal Code, **CITY OF M.H.-TEXT** amending the Density Bonus provisions for affordable housing to be consistent with the **AMENDMENT TO** State Density Bonus Law as set forth in Section 65915 of the California Government **CHAPTER 18.47,** Code. A further amendment is also proposed under Chapter 18.55 of the Municipal **AFFORDABLE** Code, eliminating the Conditional Use Permit requirement and eliminating the local **HOUSING BONUSES** street standards for secondary dwelling units. **AND OTHER** **INCENTIVES AND** PM Rowe gave the staff report, indicating this is basically a continuation of agenda

**CITY OF MORGAN HILL  
JOINT SPECIAL & REGULAR CITY COUNCIL AND  
REGULAR REDEVELOPMENT AGENCY MEETING  
MINUTES – JULY 19, 2006**

**DRAFT**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 6:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Tate and Mayor/Chairman Kennedy  
Late: Council/Agency Member Sellers (arrived at 6:25 p.m.)

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the special and regular meeting agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council Action***

**CLOSED SESSIONS:**

City Attorney Kern announced the below listed closed session item.

1.  
**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Authority: Government Code Section 54956.9(a)  
Case Name: Arcadia Development Company v. City of Morgan Hill  
Case Number: County of Santa Clara No. 1-04-CV-020598.  
Attendees: City Manager; City Attorney; Special Counsel Ellison Folk

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor Kennedy opened the Closed Session item to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor Kennedy adjourned the meeting to Closed Session at 6:05 p.m.

Council Member Sellers joined the Council in closed session.

**RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 7:00 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Kern announced that no reportable action was taken in closed session.



**DRAFT**

*Parcels by Title Only, as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO A PRECISE DEVELOPMENT PLAN FOR AN EXISTING PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE (ORDINANCE NO. 1687) TO ALLOW AN APPROXIMATELY 167,500 SQUARE FOOT ABOVE GROUND MATHEMATICS CONFERENCE CENTER WITH A 34,385 SQUARE FOOT UNDERGROUND GARAGE AND A NEW 185 SPACE SURFACE PARKING LOT TO REPLACE AN EXISTING 121 SPACE PARKING LOT ON AN APPROXIMATELY 54 ACRE SITE LOCATED AT 14830 FOOTHILL AVENUE. (APNS 825-30-007 AND 825-29-002) (ZAA 03-03: Foothill – The Institute) by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

**Action:** *On a motion by Mayor Kennedy, and seconded to Council Member Tate, the City Council unanimously (5-0) **Adopted** Resolution No. 6032, Approving a Site Review Permit and an Exception to the Underground Utility Requirement.*

**22. GENERAL PLAN AMENDMENT, GPA-01-09: CITY OF MORGAN HILL-ADOPTION OF HOUSING ELEMENT UPDATE – Resolution No. 6033**

Contract Planner Bischoff presented the staff report, indicating that the Housing Element is one of the mandated elements in the City's General Plan. He said that State law is specific with respect to the contents of the Housing Element than any other element of the General Plan. The Housing Element is the only element in the General Plan that the State is authorized to certify as being in compliance with state law. The State also specifies the time period for which a Housing Element should be prepared and for Morgan Hill, it is the period of 1999-2006. He informed the Council that the next update to the Housing Element will be for the period of 2009-2014 and that this update will begin in approximately two years. In order to comply with state law with respect to the 1999-2006 Housing Element, the City began an update process in 2001. The update and 9-member advisory committee was chaired by Council Member Carr. This committee completed a draft of the Housing Element in late 2001. The Council conducted 2 workshops to review the work of the Committee to date. He indicated that this Housing Element was sent to the State for review. The State provided comments to the City and requested minor changes to the policies, and changes to the substantiating data with respect to the Housing Element. He informed the Council the State liked the City's Housing Element, but could not certify it because Measure C did not allow the City to meet its fair share of housing allocation of 2,484 units assigned to the City by ABAG. He noted that in 2004, Measure C was passed and that with the passage of Measure C, the number of units the City could allow, on an annual basis, bumped the units to 250 units/per year and allows the City to provide additional units. This number now enables the City to meet the fair share housing allocation assigned by ABAG.

Contract Planner Bischoff informed the Council that staff has drafted amendments to the Housing Element that addressed the comments received by the State. Staff proposes some changes to the Housing Element that were necessitated by changes in State law since the Housing Element was first drafted. Staff has sent these changes to the State for a second informal review; indicating that the State has provided some additional comments. The comments deal with documentation/information. There were not a lot of comments provided by the State with respect to policy directions. He informed the Council that there were two documents included in the Council's packet: 1) the Housing Element, and 2) the



**DRAFT**

Housing Needs Assessment. He clarified the goals and policies before the Council, are for the most part, the same as those contained in the current General Plan; indicating that fundamentally, the Housing Element remains the same. He indicated that the Housing Element contains three main goals: 1) provision of new housing; 2) preservation of the existing housing stock; and 3) housing needs for special groups such as large families, single parents, disabled persons, and seniors. He said that the policies and actions italicized are new additions to the existing element. He stated that there were a few actions deleted as well as actions that have been achieved, out of date, or found not to be effective. He informed the Council that the Housing Element before it was reviewed by the Planning Commission on June 27 and July 11, and that the Planning Commission recommends Council approval. The Resolution before the Council would allow for the approval of the Housing Element and authorize staff to make additional changes, as found necessary, to the Housing Needs Assessment in order to satisfy State requirements. He clarified that the Resolution does not authorize the City to make any changes to policy(ies).

Council Member Sellers noted that reference was made regarding affordable housing. He referred to Policy 1g, page 379 of the agenda packet. The first action of this policy requires that 40% of all new housing be set aside for low, medium and moderate income households. It was his recollection the Council wanted to move toward median income households through Measure C in a variety of ways such as working with for profit and non profit developers. He inquired whether there were specific references to the percentage of housing, how it was broken out and to what degree the City would emphasis one over the other. He noted the City has been able to provide a much higher percentage of affordable housing through Measure C, the Residential Development Control System (RDCS). However, a lot of this housing has been at one end of the spectrum and not close to the median.

Contract Planner Bischoff indicated that there is an action included that states that at the conclusion of each RDSCS competition, the Planning Commission and the Council should look at the results of the competition; including the sufficiency of the level of affordable housing; making adjustments, as necessary.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Council Member Tate noted that the Council has been dealing with the Housing Element for a number of years, especially in the work of Council Member Carr. He felt that this is a perfunctory approval at this time. He felt a great job was done and was ready to move forward.

**Action:** *On a motion by Council Member Tate, and seconded to Council Member Sellers, the City Council unanimously (5-0) Adopted the Negative Declaration.*

**Action:** *On a motion by Council Member Tate, and seconded to Council Member Sellers, the City Council unanimously (5-0) Adopted Resolution No. 6033.*

Council Member Carr concurred that this is the culmination of the work started years ago with the assistance of a citizen group that provided advice as well as other outside agency groups. One of the steps that needed to be done was the update to the RDSCS through Measure C. With its approval, it allows the Housing Element to be completed; noting that in two years, the City will need to start on the next Housing Element update.



**COMMUNITY DEVELOPMENT DEPARTMENT**

**LEGAL ADVERTISING SECTION**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING PROPOSAL(S) AT THE DATE, TIME AND LOCATION LISTED BELOW. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND PROVIDE COMMENTS.

DATE: June 27, 2006

TIME: 7:00 P.M.

LOCATION: City Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037

**ZONING AMENDMENT, ZAA-03-03: FOOTHILL-THE INSTITUTE/AIM:** A request for an amendment to a Precise Development Plan for an existing PUD to allow an approximately 167,500 sq. ft. above ground mathematics conference center with a 34,385 sq. ft. underground garage and a new surface parking lot to replace an existing parking lot on an approximately 54 acre site located at 14830 Foothill Ave. (APN's 825-30-007 and 825-29-002)

**ZONING AMENDMENT, ZA-06-10: CITY OF MORGAN HILL – TEXT AMENDMENT TO CHAPTER 18.47, AFFORDABLE HOUSING BONUSES AND OTHER INCENTIVES AND CHAPTER 18.55, SECONDARY DWELLING UNITS:** An amendment to Title 18, Chapter 18.47 of the Morgan Hill Municipal Code, amending the Density Bonus provisions for affordable housing to be consistent with the State Density Bonus Law as set forth in Section 65915 of the California Government Code. A further amendment is also proposed under Chapter 18.55 of the Municipal Code, eliminating the Conditional Use Permit requirement and eliminating the local street standards for secondary dwelling units.

**PUBLIC HEARING REGARDING ADOPTION OF HOUSING ELEMENT UPDATE:** This is a City-initiated request to adopt a new Housing Element of the General Plan. The proposed Element represents a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet the needs of all income levels. The Element has been prepared in such a way as to meet the requirements of State law and local housing objectives. A Negative Declaration, finding no significant negative effects on the environment as a result of adoption of the Element, is proposed to be adopted for this project.

NOTICE IS ALSO GIVEN, pursuant to Government Code Section 65009, that any challenge of the above applications in court may be limited to raising only those issues raised by you or on your behalf at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing on this matter.



Additional information regarding these proposals is available for review at City Hall Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Further information may be obtained from the Community Development Department at telephone number (408)779-7248 or 779-7249.

Date: June 13, 2006

Published: June 17, 2006

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COMMUNITY DEVELOPMENT DEPARTMENT

PUBLIC NOTICE - LEGAL ADVERTISING SECTION

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Council and Redevelopment Agency of the City of Morgan Hill, California, will hold a public hearing on **July 19, 2006**, at 7:00 p.m., or as soon as possible thereafter, in the City Council Chambers located at 17555 Peak Avenue, Morgan Hill, California to consider the following matter(s):

**ZONING AMENDMENT, ZAA-03-03/SITE REVIEW, SR-06-03: Foothill-The Institute/AIM:** A request for an amendment to a Precise Development Plan for an existing PUD and site, landscape and architectural plans for an approximately 167,500 sq. ft. above ground mathematics conference center with a 34,385 sq. ft. underground garage and a new surface parking lot to replace an existing parking lot and request an exception to the underground utility requirement, on an approximately 54 acre site located at 14830 Foothill Ave. (APNs 825-30-007 and 825-29-002)

**PUBLIC HEARING REGARDING ADOPTION OF HOUSING ELEMENT UPDATE:** This is a City-initiated request to adopt a new Housing Element of the General Plan. The proposed Element represents a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet the needs of all income levels. The Element has been prepared in such a way as to meet the requirements of State law and local housing objectives. A Negative Declaration, finding no significant negative effects on the environment as a result of adoption of the Element, is proposed to be adopted for this project.

ALL INTERESTED PERSONS may appear and be heard at the said time and place. Written communications may be filed prior to the hearing. Additional information regarding these proposals is available for review at City Hall Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Further details may be obtained from the Community Development Department at telephone number (408) 779-7248.

NOTICE IS GIVEN, pursuant to Government Code Section 65009, that any challenge of the above items in court, may be limited to raising only those issues raised by you or on your behalf at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing on this matter.

This notice is given pursuant to Ordinance No. 559, New Series.

BY ORDER OF THE CITY COUNCIL  
OF THE CITY OF MORGAN HILL.

Irma Torrez  
City Clerk

Date: June 30, 2006  
Published: July 8, 2006